

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Caption in Compliance with D.N.J. LBR 9004-1(B)**

Alla Kachan, Esq.  
Law Offices of Alla Kachan, P.C.  
2799 Coney Island Avenue, Ste 202  
Brooklyn, NY 11235  
Tel.: (718) 513-3145

In Re:

Produce Depot USA LLC,  
Debtor

Case No.: 22-14771-VFP

Judge: Vincent F. Papalia

Chapter: 11

**NOTICE OF MOTION OF ORDER TO ENTER FINAL DECREE**

Produce Depot USA LLC, the Debtor in the above-captioned chapter 11 case (hereinafter, the “Debtor”), by undersigned counsel Alla Kachan Esq, Law Offices of Alla Kachan, P.C. have filed papers with the court requesting that an order on for an application to enter final decree to be entered by this Court

**YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).**

**PLEASE TAKE NOTICE** that upon the annexed Motion for an Order to enter a Final decree the Debtor will move this Court on **September 19, 2023 at 2:00 P.M.**, in United States Bankruptcy Court for the District of New Jersey, 50 Walnut Street, 3rd Floor Newark, N.J. 07102, Courtroom 3B before the Honorable Vincent F. Papalia, United States Bankruptcy Judge for the District of New Jersey.

PLEASE TAKE NOTICE that, The hearing will be held telephonically or as soon thereafter as counsel can be heard.

All requests for telephonic appearances before Judge Papalia will continue to be arranged through **CourtSolutions**, <http://www.Court-Solutions.com>, or by calling (917) 746-7476 no later than 3:00 p.m. on the business day prior to the hearing or email [help@Court-Solutions.com](mailto:help@Court-Solutions.com).

If you do not want the court to grant this motion, or if you want the court to consider your views, you or your attorney must file with the clerk at the address listed below, a written response explaining your position no later than 7 days prior to the hearing date.

Hearing Date: September 19, 2023  
Hearing Time: 2:00 PM  
Hearing Location: 50 Walnut Street, 3rd Floor  
Newark, NJ 07102  
Courtroom Number: 3B

Dated: Brooklyn, New York  
August 17, 2023

/s/ Alla Kachan  
Alla Kachan, Esq.  
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**MOTION OF ORDER TO ENTER FINAL DECREE**

The Motion of Produce Depot USA LLC, (the “Debtor”) by its attorney, Law Offices of Alla Kachan, PC, respectfully represents:

1. The Debtor commenced this proceeding by filing a voluntary petition in the United States Bankruptcy Court for the Eastern District of New York under Chapter 11 of the Bankruptcy Code, on March 2, 2022 (the “Petition Date”).
2. On May 25, 2022 the Debtor filed a motion seeking the retention of Alla Kachan, Esq. as bankruptcy counsel for the Debtor.
3. By an Order of the Court dated August 3, 2022, Alla Kachan’s retention was approved on behalf of the Debtor.
4. On July 5, 2022 the Debtor filed a motion seeking the retention of Wisdom Professional Services Inc. as bankruptcy accountant for the Debtor.
5. By an Order of the Court dated July 13, 2022, the retention of Wisdom Professional

Services Inc. was approved on behalf of the Debtor.

6. Pursuant to Section 341 of the Bankruptcy Code, a meeting of creditors was held on April 11, 2022.
7. The deadline for filing claims was scheduled as May 31, 2022.
8. On May 24, 2023 the Debtor's Plan of Reorganization (the "Plan") (ECF No.: 186) was confirmed by Order of this Court (ECF No.: 199).
9. Payments under the Plan have commenced before August 2, 2023; thus, the plan has been substantially consummated as provided in §1101(2) of the Code.
10. A Notice of the Effective date of Debtor's Chapter 11 Plan has been filed on August 8, 2023.
11. The case is ready to be closed.
12. Under Bankruptcy Rule 3022, a party in interest may move for the entry of a Final Decree closing the case. The two factors applicable on the facts of the instant case, of the five generally considered by the courts in closing the case, are as follows: 1) The order confirming the plan has become final and 2) The payments under the plan have commenced and in the instant case, completed.
13. Upon information, knowledge, and belief, the Plan has been fully implemented and substantially commenced in accordance with the terms of the Plan, §350(a) of the Code and Rule 2015(a) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").
14. Previously filed with the Court, incorporated herein and made a part hereof is this Court's Form entitled "Bankruptcy Closing Report" which, upon information,

knowledge, and belief, reflects, inter alia, the fees and expenses in connection with the administration of the Debtor's Chapter 11 Case.

15. All amounts due the Office of the United States Trustee on account of quarterly fees due and owing through the 3rd quarter of 2023 will be paid within seven (7) days of entry of the order.
16. The operating report for the month of August 2023 will be prepared by the accountant in the case and filed by September 20, 2023. A letter setting forth the income projections of the Debtor for the month of August, 2023, will be prepared by the accountant in the case and filed by September 20, 2023.
17. The Office of the United States has been served with a copy of this application, the Bankruptcy Closing Report and the Final Decree. Debtor's counsel has reviewed the Final Decree and related documents and supports entry of the Final Decree.
18. A proposed form of Final Decree is annexed hereto.

**WHEREFORE**, the Debtor respectfully requests the issuance by this Court of a Final Decree pursuant to Bankruptcy Rule 3022 closing the Debtor's Chapter 11 Case, and for such other and further relief as the Court may deem just and proper.

**DATED:** Brooklyn, New York  
August 17, 2023

/s/Alla Kachan  
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In Re:

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Case No.: 22-14771-VFP

Judge: Vincent F. Papalia

Chapter: 11

**FINAL DECREE**

Upon the application of Produce Depot USA LLC, dated August 17, 2023 (the "Application"), by its Attorneys, Law Offices of Alla Kachan, P.C., for an Order granting a Final Decree in this case; and it having been represented and it appearing that the estate of the Debtor has been fully administered pursuant to the confirmed Plan of Reorganization of Produce Depot USA LLC. (the "Plan"); and it also appearing that notice of the submission of the Application and service of a copy thereof was duly and timely made upon the Office of the United States Trustee and that no objection was made to granting the relief requested therein, and sufficient cause appearing to me therefor, it is

**ORDERED**, that the Application is granted as set forth herein; and it is further

**ORDERED**, pursuant to Bankruptcy Rule 3022 and 11 U.S.C. § 350(a), that the above-captioned be and hereby is closed upon entry of this Final Decree; and it is further

**ORDERED**, that not later than ten (10) days from the entry of this order, the Debtor shall

file with the Court any unfiled monthly operating report(s) for pre-effective date periods and the appropriate post confirmation report(s) and shall pay the United States Trustee the appropriate sums required pursuant to 28 U.S.C. § 1930(a)(6) (and any applicable interest thereon).